

**TOWN COUNCIL
REGULAR MEETING
OCTOBER 3, 2001**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:06 p.m. by Mayor Venis and was followed by the Pledge of Allegiance.

2. ROLL CALL

Present were Mayor Venis, Vice-Mayor Paul and Councilmembers Clark (arrived at 7:30 p.m.), Starkey and Truex. Also present were Town Administrator Willi, Town Attorney Kiar, and Town Clerk Muniz recording the meeting.

3. OPEN PUBLIC MEETING

Mayor Venis advised the speakers of the Open Public Meeting procedures.

Alejandro Alfieno, 10750 SW 10 Place, spoke about problems with his property as a result of zoning in progress. He stated that there were issues in the process that he had not been able to address. Mr. Alfieno asked Council to reconsider his property so that it could be considered by Broward County. He asked that Council give him a timeline when the zoning in progress would be completed. Vice-Mayor Paul felt Council could not consider this as it would undermine the zoning in progress and would not be appropriate. Mr. Willi believed that the timeline would be approximately six months.

Wayne Arnold, 8020 Stirling Road, advised that at a recent Central Broward Water Control District meeting, a Technical Advisory Council was established with a goal of developing an assessment plan for the C-11 west basin that would set policies and recommend water supply levels.

Mr. Arnold spoke about a resolution that the Davie Merchants and Industrial Association had passed asking Council to instruct the Development Services Department to allow more permitted uses. He spoke specifically about Mr. and Mrs. Thomas and the difficulty they were having opening a computer sales business in a residential area. Mr. Arnold submitted Exhibits 3.1 and 3.2 to Council for consideration. Councilmember Truex advised that he would be glad to meet with the Davie Merchants and Industrial Association. Vice-Mayor Paul recommended putting this on the next agenda. Mr. Willi agreed and stated that he was going to ask Council to clarify some allowable uses.

Julie Aitken, 3801 Flamingo Road, spoke of a previous discussion with Development Services Director Mark Kutney and the characterization of "agricultural" land as "suburban". She advised that agriculture and vacant land had been labeled wetlands and needed to be protected by a rural preservation ordinance, so that these areas would not be developed. Ms. Aitken stated that groups of folios would be sold as single units and developed. She added that land over 10 acres and less than 20 acres had been categorized as less than 20 even though combined folios could represent a 30 acre property. Ms. Aitken spoke about the Charter amendment that pertained to this preservation.

Vice-Mayor Paul spoke about the mandate passed preserving the open space and her dismay with Mr. Kutney's presentation at the last meeting as she felt that Council's direction to staff was clear. She spoke about the survey, the question regarding the preservation of rural lifestyle and the overwhelming response in the positive by residents.

Mr. Kutney spoke against Ms. Aitken's characterizations of his words and stated that staff was to present a status report, which they had done. He stated that there were a number of developers with large tracts who were concerned and these developers had been

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stopped. Staff was concerned that their intentions and words were being twisted and portrayed as ominous. Vice-Mayor Paul took exception to the idea that staff's intentions were "twisted." She had a concern with how information was presented.

Scott McCluskey, 2102 Nova Village Drive, spoke in favor of Mr. Willi and about the progress the Town had made. He enumerated the areas in which he felt Mr. Willi had had a positive effect and hoped that Council would allow Mr. Will and staff to continue their work.

David Lang, 13951 SW 24 Street, donated \$110 he had made at a local lemonade stand to Firefighters to be used for World Trade Center victims.

Mike Bender, 14800 SW 31 Court, spoke in response to Mr. Kutney's comments and stated that over 70,000 residents were concerned with the zoning in progress. He showed Council a new hearing notice sign and asked them to approve the design. Consensus of Council was that it liked the design.

4. PRESENTATIONS

4.1 Fire Prevention Week (October 7 - 13, 2001)

Deputy Chief Sid Marchant stated that the month of October was devoted to fire prevention and spoke about the month-long campaign. He cautioned families to have a plan and test their smoke detectors. Deputy Chief Marchant spoke about plans for the Fire Department to visit schools and discussed the poster and essay contests.

Mayor Venis asked if there would be a program of installing smoke detectors in residences. Deputy Chief Marchant stated this might be done in the trailer parks. Councilmember Clark asked if this could be done in Silver Oaks.

4.2 Upcoming Special Events - Dennis Andresky and Bonnie Stafiej

Dennis Andresky, Parks and Recreation Director, announced that upcoming events included: international fall food fest (October 26th); Eastside potluck dinner (October 12); bingo (Fridays), youth in-line hockey (begins October 6th); and player ratings (November 3rd).

Bonnie Stafiej, Special Projects Director, advised that upcoming events included: OctoberFist (October 6th-7th); dog events, agility trials and fly ball championships (October 12th - 14th and 20th - 21st); Five-Star Rodeo (October 27th); Halloween weekend (October 28th); Actors Community Theater presents "Fools" (October 19th - 21st).

4.3 Florida Sterling Council Performance Excellence

Human Resources Director Mark Alan explained the Florida Sterling Council Award, advising that there were seven categories included in the core values: leadership, strategic planning, customer and market focus, information analysis, human resource focus, process management and business results. He explained the advantages of the program.

Vice-Mayor Paul asked if Mr. Alan had any information about the costs involved. Mr. Alan indicated that the books were 10 for \$29.95, the costs for the survey could total over \$600, approximately \$1,000 for site visits plus expenses. Vice-Mayor Paul asked how this process would interact with the review of the Town Administrator. Mr. Alan stated that this was a flexible process and would be a tool that would be a good mesh with what the Town already had in place. The tool pointed toward best practices and evaluated what was already being done. Vice-Mayor Paul asked if everyone on staff could participate in the

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survey. Mr. Alan indicated that surveys would be done by random sampling based on the demographics of the Town's departments. Vice-Mayor Paul would like to see Council proceed with this initiative and felt a plan was vitally important.

Councilmember Truex felt that this would be a waste of staff time; however, he would endorse it if the time necessary was minimal. He asked Mr. Alan how much staff time would be needed. Mr. Alan responded that more than 2 1/2 weeks would be needed for training and the time needed for the assessments and preparing together a strategic plan was not easily defined.

Councilmember Clark spoke in favor of this issue and stated that Council had spoken for a long time about the need for an evaluation of staff and departments. Mayor Venis spoke in favor of this process.

Councilmember Starkey felt that this process would be an enhancement, as it would give the Town a vision. Many departments had developed individual practices and goals, but this would be a cohesive plan that would be Townwide.

Mayor Venis announced that item 8.26 needed to be tabled to October 17, 2001.

Vice-Mayor Paul made a motion, seconded by Councilmember Starkey, to table. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Venis announced that item 10.4 needed to be tabled to November 7, 2001. Mr. Kutney advised that this was the third time this item would be tabled. Mayor Venis recommended that Council be consistent with how these tablings were handled.

Neal Kalis, representing the petitioner, explained why his client was asking for an additional tabling. He asked Council to table the item once more and the petitioner would withdraw the item if they were not prepared at the next meeting.

Vice-Mayor Paul made a motion, seconded by Councilmember Clark, to withdraw the item. Councilmember Truex asked that the tabling request not be allowed. In a voice vote, with Councilmember Truex dissenting, all voted in favor. (Motion carried 4-1)

Mayor Venis announced that items 10.5, 10.6, and 10.7 needed to be tabled to November 7, 2001.

Vice-Mayor Paul made a motion, seconded by Councilmember Clark, to table. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Venis announced that item 8.5 needed to be tabled to October 17, 2001.

Vice-Mayor Paul made a motion, seconded by Councilmember Truex, to table. In a voice vote, all voted in favor. (Motion carried 5-0).

Mayor Venis advised that items 13.3, 13.4, and 13.5 needed to be added to the agenda.

Councilmember Starkey made a motion, seconded by Councilmember Clark, to add these items. In a voice vote, all voted in favor. (Motion carried 5-0)

Councilmember Starkey asked if the temporary use permits could be taken out of order as people were in the audience to speak.

Councilmember Starkey made a motion, seconded by Councilmember Truex to approve items 8.30, 8.31 and 8.33. In a voice vote, all voted in favor. (Motion carried 5-0)

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8.32 Chad Everett Aristano, representing the applicant, advised that the Haunted House would be to raise funds for the Boys and Girls Club and the September 11th Foundation.

Vice-Mayor Paul made a motion, seconded by Councilmember Starkey, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

8.34 Vice-Mayor Paul spoke about the previous parking problems resulting from this event. She advised that the bike path, walking trail and horse trail had been blocked, resulting in pedestrians, bicyclists and horses having to go out into the street. Vice-Mayor Paul asked if provisions could be made to restrict parking on 14th Street.

Angie Ganyo, representing the applicant, stated that extra parking was planned and the Davie Explorers and a police officer were scheduled to be at the event. Parking on the property at Western High School should be sufficient and residents would be provided caution tape to block parking on their property if requested.

Vice-Mayor Paul made a motion, seconded by Councilmember Truex, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

5. MAYOR/COUNCILMEMBER'S COMMENTS

DRAINAGE ISSUES. Mayor Venis stated that the Town had made great strides in improving drainage. He asked Public Works/Capital Projects Director Bruce Bernard to speak on this issue, specifically 21st Street between 145th and 149th Avenues. Mr. Bernard spoke about this area and the dip in the roadway, which would be repaired. He stated that a Phase 4 program would be established in Oakhill.

DAVIE ELEMENTARY SHELTER. Mayor Venis asked for an update. Mr. Bernard stated that plans had gone to Broward County Schools Facilities Department for its approval. The School Board was looking for the Town to be the lead agency in constructing this shelter as it felt it would take the County six months to begin. For the Town to be the lead agency would cut the time by two or three months.

CHARETTE ON I-75. Mayor Venis advised that he had attended this meeting and indicated that the Town had taken a firm stand about access lanes at 14th Street. He stated that the Florida Department of Transportation was looking at sound barrier walls which he felt was a positive step.

CONGRESSMAN DEUTSCH. Mayor Venis enumerated a list of requests that he had discussed with Congressman Deutsch's office, including funding concerns for various projects.

ORGANIZATIONAL PLAN. Mayor Venis indicated that he had requested an organizational chart for each department and asked if these charts would be available for the first meeting in November. Mr. Willi responded in the affirmative.

FUNDRAISER. Mayor Venis advised that the children of Indian Ridge Middle School were raising money for the September 11th disaster victims. He stated that he and Councilmember Starkey were competing to try and match the money that was collected.

BOYS & GIRLS CLUB OPENING. Mayor Venis regretted not being able to attend the ribbon cutting ceremony for the Florence D. George facility.

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COUNCILMEMBER CLARK

HABITAT FOR HUMANITY. Councilmember Clark advised that she and Councilmember Starkey had attended the Habitat for Humanity Application Day event and she felt more projects like this were needed. She spoke well of Housing and Community Development Director Shirley Taylor-Prakelt's efforts in this initiative.

LEFMARK SITE. Councilmember Clark reported that the old Winn Dixie site was finally being torn down.

POTTER PARK GYM. Councilmember Clark stated that ground had been broken on this project.

61ST AVENUE PARK. Councilmember Clark stated that this project was coming along well.

CODE ENFORCEMENT. Councilmember Clark stated that she needed help with Code enforcement in her district and asked Code Compliance Supervisor Danny Stallone for a tour of violations.

DRAINAGE ISSUES. Councilmember Clark asked Mr. Bernard to look at specific roadways where she felt there were problems. Mr. Bernard advised that the overlay program included many of the areas and advised that she should check the capital plan.

BOYS & GIRLS CLUB GRAND OPENING. Councilmember Clark regretted not being able to attend the grand opening.

COMMUNITY RELATIONS ADVISORY BOARD. Councilmember Clark stated that this Board was ready to hear complaints. She indicated that the residents needed to know this service was available and advised that information would be in the next Davie Update.

COUNCILMEMBER TRUEX

DAVIE FIREFIGHTERS. Councilmember Truex thanked the Davie Firefighters for letting him ride along one evening.

CONGRATULATIONS. Councilmember Truex congratulated Councilmember Starkey on being appointed to the Broward County Human Relations Board.

TOWN E-MAIL. Councilmember Truex stated that the Town's e-mail system was experiencing problems and if residents had communicated with him, the information may have been lost.

BOYS & GIRLS CLUB GRAND OPENING. Councilmember Truex stated that this was a great event and a great facility.

REDISTRICTING. Councilmember Truex stated that he attended this meeting with State legislators and he felt this was a good process. If residents had a concern, they needed to contact their legislator.

RECORDS REQUEST. Councilmember Truex indicated that there was a memo from the Sun-Sentinel asking for weekly e-mail from Council. He felt that the Town could more readily provide them what they needed.

COUNCILMEMBER STARKEY

FUNDRAISER. Councilmember Starkey stated that Indian Ridge Middle School's goal was to raise \$4,000 for the Red Cross and in return, the principal would allow them to wear jeans. She advised that outside sources were challenged to match the funds raised and

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thanked Andrx Corporation and Waste Management. Councilmember Starkey reported that the School had raised almost \$12,000 and advised that both she and Mayor Venis would be attempting to match the \$4,000.

HABITAT FOR HUMANITY. Councilmember Starkey stated that the program in Harmony Village would be 22 homes.

REDISTRICTING. Councilmember Starkey asked residents to take an active role in this process.

AIRPORT EXPANSION. Councilmember Starkey advised that the City of Ft. Lauderdale had passed a resolution on the expansion's impacts on their community. The Broward County Commission was trying to establish an advisory committee and she recommended that Davie be included. She asked for a consensus on a resolution to have the County move forward with this advisory committee and stated that she would get copies of the City of Hollywood's resolution.

VICE-MAYOR PAUL

THANKS. Vice-Mayor Paul thanked residents for their well wishes and the paramedics for their quick attention and professionalism in her illness. She also thanked Ms. Stafiej for the memorial event and Public Works and Executive Assistant Candice Ordway for making the flags possible.

SEPTEMBER 11th DISASTER. Vice-Mayor Paul applauded the way Police Chief John George and Mr. Willi had dealt with actions for the resident's protection that needed to be taken on that day.

I-75 CHARETTE. Vice-Mayor Paul observed that the biggest opposition was a group of business owners in Sunrise.

TRAFFIC SURVEY. Vice-Mayor Paul advised that 1,299 surveys had been returned and results would be posted in the Davie Update.

E-MAIL PROBLEMS. Vice-Mayor Paul spoke about her availability despite the recent problems.

WEST NILE VIRUS. Vice-Mayor Paul advised horse owners that vets in the area should have the vaccine and advised that people out at dusk or dawn also needed to take precautions.

RABIES CASES. Vice-Mayor Paul asked residents to not feed wild animals and to be careful to cover garbage.

TREE TRIMMERS. Vice-Mayor Paul advised of a new County ordinance that required all tree trimmers to be licensed.

CHRIS WALLACE. Vice-Mayor Paul wished Chris Wallace well on his leaving Davie government and wished good luck to Carol Menke.

DEPARTMENT OF EDUCATION GRANT. Vice-Mayor Paul stated that she wrote a grant for Teaching American History. This was a \$1 million, three-year grant.

COMBINING BOARDS. Vice-Mayor Paul spoke about Councilmember Truex's efforts to initiate this issue and advised that she had some ideas.

PRESERVING OPEN SPACE. Vice-Mayor Paul felt that a plan to keep the farms in Davie was important and an incentive for farmers to stay should be important to all.

CITY GOVERNMENT WEEK. Vice-Mayor Paul stated that this would take place at the end of October and student tours of Town Hall could be arranged.

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6. TOWN ADMINISTRATOR'S COMMENTS

CHALLENGE GRANT. Mr. Willi advised that the Town would receive a grant of more than \$441,000 to help fund the Police Athletic League gym.

SOUTH FLORIDA WATER MANAGEMENT. Mr. Willi stated that landscape, light poles and other various permits for the Davie Road Bridge had been issued.

BUILDING COMMEMORATION. Mr. Willi stated that the new building opened at Pine Island Park and he thanked Mr. Bernard, Mr. Andresky and staff for all they had done for the grand opening.

YOUNG AT ART MUSEUM. Mr. Willi advised that the County had made this issue a top priority and expansion of this project was being planned.

PLAQUE FOR MEMORIAL BRIDGE. Mr. Willi stated that the Davie Merchants and Industrial Association and staff had provided proposed language for the plaque for the Mason Wachtstetter Bridge. He asked Council to provide input right away if it felt the need as the commemoration was scheduled for November 20th.

TRAFFIC WORKSHOP. Mr. Willi stated that a workshop was held with staff, principals and business owners regarding the Nob Hill Road traffic along the State Road 84 intersection. Staff was trying to move as quickly as possible on this project.

7. TOWN ATTORNEY'S COMMENTS

HOME. Mr. Kiar spoke about a home that had not been completed for approximately seven years. He advised that the outside of the home was now painted and the debris was being removed. Mr. Kiar commended Mr. Rivero and another resident for their diligence in seeing that this was done.

CITRUS CANKER. Mr. Kiar advised that Circuit Court case was overturned and the Department of Agriculture had moved for tax court costs against the coalition of cities, the County and individuals. He stated that the cities were successful at the Department of Administrative hearings so the County was moving in turn for the tax costs against the cities. Mr. Kiar hoped that this would be settled and he was assured that any possibility that the individuals would be personally responsible would be eliminated. He indicated that the costs would be \$2,500 - \$3,000 per city and asked for Council's direction if this was required. Mayor Venis indicated that he did not have a problem. No other objections were noted.

ORDINANCES. Mr. Kiar reported that the vested rights ordinances would be on the next agenda which Mr. Willi confirmed. Mr. Kiar added that he had prepared an ordinance for fencing which pertained only to lakefront property.

TELEPHONE CALLS. Mr. Kiar discussed the disturbing telephone calls that Vice-Mayor Paul had received and it was his opinion that these calls pertained to harassing phone calls which may be a misdemeanor in the second degree. He advised that he had contacted the telephone company which was mandated to work with the Town's Police Department for enforcement. Mr. Kiar added that the State Attorney's Office recommended that an investigation be initiated. Chief George explained the process.

8. CONSENT AGENDA

Minutes

8.1 August 28, 2001 - Special Meeting

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Proclamations

- 8.2 National School Lunch Week (October 15 - 18, 2001)
- 8.3 World Population Awareness Week (October 21 - 31, 2001)
- 8.4 Safety Summit Day (November 3, 2001)

Resolutions

- 8.5 **REVISING PAY AND CLASSIFICATION PLAN - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, REVISING AND REASSIGNING THE PAY GRADE OF THE CLASS SPECIFICATION OF PROCUREMENT MANAGER AND DEPUTY BUDGET AND FINANCE DIRECTOR IN THE NON-REPRESENTED PAY AND CLASSIFICATION PLAN AND PROVIDING AN EFFECTIVE DATE. (tabled from September 19, 2001)**
- R-2001-252 8.6 **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ENTERING INTO AN AGREEMENT BETWEEN THE TOWN OF DAVIE AND GRANDE CONSULTING INC., TO REPRESENT THE TOWN OF DAVIE FOR LEGISLATIVE AND GOVERNMENTAL CONSULTING SERVICES. (tabled from September 19, 2001)**
- R-2001-253 8.7 **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE SCHOOL BOARD OF BROWARD COUNTY AND THE TOWN OF DAVIE SUBJECT TO BUDGETARY APPROVAL TO PROVIDE THE SCHOOL RESOURCE OFFICER PROGRAM FOR SEVEN ELEMENTARY SCHOOLS OF DAVIE. (reimbursement of \$12,000 per year)**
- R-2001-254 8.8 **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE SCHOOL BOARD OF BROWARD COUNTY AND THE TOWN OF DAVIE SUBJECT TO BUDGETARY APPROVAL TO PROVIDE SCHOOL RESOURCE OFFICER PROGRAM FOR WESTERN HIGH SCHOOL AND INDIAN RIDGE MIDDLE SCHOOL. (reimbursement of \$24,000)**
- R-2001-255 8.9 **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE COUNTRY CREEK CLUB HOMEOWNERS ASSOCIATION, INC. AND THE TOWN OF DAVIE POLICE DEPARTMENT FOR TRAFFIC CONTROL.**
- R-2001-256 8.10 **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE TOWNHOMES AT ORANGE DRIVE HOMEOWNERS ASSOCIATION AND THE TOWN OF DAVIE POLICE DEPARTMENT FOR TRAFFIC CONTROL.**

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- 8.11
R-2001-257 **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE ESCAPE AT ARROWHEAD ASSOCIATION INC. AND THE TOWN OF DAVIE POLICE DEPARTMENT FOR TRAFFIC CONTROL.**
- 8.12
R-2001-258 **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BIDS FOR TEMPORARY SERVICES-WHITE COLLAR WORKERS. (3 lowest responsive and responsible bidders)**
- 8.13
R-2001-259 **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BIDS FOR TEMPORARY SERVICES-BLUE COLLAR WORKERS. (3 lowest responsive and responsible bidders)**
- 8.14
R-2001-260 **EXPENDITURE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR AND APPROPRIATE STAFF TO PARTICIPATE IN AND FUND THE A.D.A.P.T. PROGRAM. (\$25,000)**
- 8.15
R-2001-261 **EXPENDITURE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE EXPENDITURE OF FUNDS FROM THE LAW ENFORCEMENT TRUST FUND TO SUPPLEMENT THE DAVIE SAFETY SUMMIT SYMPOSIUM. (\$1,000)**
- 8.16
R-2001-262 **EXPENDITURE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE EXPENDITURE OF FUNDS FROM THE LAW ENFORCEMENT TRUST FUND TO THE DAVIE POLICE ATHLETIC LEAGUE. (\$35,000)**
- 8.17
R-2001-263 **EXPENDITURE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE EXPENDITURE OF FUNDS FROM THE LAW ENFORCEMENT TRUST FUND TO SUPPLEMENT THE FISCAL YEAR 2001-2002 POLICE DEPARTMENT TRAINING.**
- 8.18
R-2001-264 **EXPENDITURE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE EXPENDITURE OF FUNDS FROM THE LAW ENFORCEMENT TRUST FUND FOR DONATION TO THE BROWARD COUNTY CRIME STOPPERS. (\$3,500)**
- 8.19
R-2001-265 **EXPENDITURE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE EXPENDITURE OF FUNDS FROM THE LAW ENFORCEMENT TRUST FUND TO THE POLICE, FIRE AND MILITARY EQUIPMENT SHOW. (\$3,500)**
- 8.20
R-2001-266 **EMERGENCY EXPENDITURE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE EMERGENCY PURCHASE OF SERVICES TO REPAIR A DAMAGED SEWER LINE. (\$15,000)**

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- 8.21 **ENGINEERING SERVICES - A RESOLUTION OF THE TOWN OF DAVIE,**
R-2001-267 **FLORIDA, SELECTING THE FIRM OF URS TO PROVIDE ENGINEERING SERVICES FOR A WESTERN AREA UTILITY STUDY AND AUTHORIZING THE TOWN ADMINISTRATOR OR HIS DESIGNEE TO NEGOTIATE AN AGREEMENT FOR SUCH SERVICES.**
- 8.22 **ENGINEERING SERVICES - A RESOLUTION OF THE TOWN OF DAVIE,**
R-2001-268 **FLORIDA, SELECTING THE FIRM OF CALVIN GIORDANO TO PROVIDE ENGINEERING SERVICES FOR A WATER TREATMENT PLANT EXPANSION AND AUTHORIZING THE TOWN ADMINISTRATOR OR HIS DESIGNEE TO NEGOTIATE AN AGREEMENT FOR SUCH SERVICES.**
- 8.23 **FEE SCHEDULE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**
R-2001-269 **REVISING THE FEE SCHEDULE FOR RECREATION, ATHLETIC, FITNESS AND AQUATICS: PROGRAMS, ACTIVITIES, SUMMER CAMPS AND POOL AND FITNESS MEMBERSHIPS FOR THE PARKS AND RECREATION DEPARTMENT.**
- 8.24 **GRANT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**
R-2001-270 **AUTHORIZING THE APPLICATION, APPROVAL AND EXECUTION OF A GRANT FROM THE FLORIDA RECREATION DEVELOPMENT ASSISTANCE PROGRAM FOR PHASE II DEVELOPMENT OF THE SW 61 AVENUE PARK.**
- 8.25 **PURCHASE - A RESOLUTION AUTHORIZING THE TOWN**
R-2001-271 **ADMINISTRATOR TO EXECUTE A PURCHASE CONTRACT FOR THE PARCEL KNOWN AS FALCONS LEA PLAT, TRACT B. (\$750,000)**

Site Plans

- 8.26 **SP 4-2-00, Armadillo Square, 4614 SW 64 Avenue (Griffin Road Corridor)**
(tabled from September 19, 2001) *Planning and Zoning Division recommended denial; Site Plan Committee recommended denial*
- 8.27 **SP 6-5-01, Shoppes of Flamingo Commons, corner of Orange Drive and Flamingo Road (B-3) (tabled from September 19, 2001)** *Planning and Zoning Division recommended approval subject to the planning report; Site Plan Committee recommended approval based on the planning report and adding 15 additional Podocarpus hedges, six feet tall, three feet on center; changing the "ten foot on center" Carpentarias to "ten foot overall height" Carpentarias; changing the designation of the dumpster gate to nine feet eight inches wide by six foot high; and changing the rear parapet over the service doors to a sloped tiled mansard similar to the two ends*
- 8.28 **SP 8-7-00, Imagination Farms West, Miller Legg & Associates, Inc./South Post, Inc., 4200 Shotgun Road (E)** *Planning and Zoning Division recommended approval; Site Plan Committee recommended approval*

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- 8.29 SP 5-3-01, The Tower Group, Inc., 405 SW 148 Avenue (M-1) *Planning and Zoning Division recommended approval subject to the planning report; Site Plan Committee recommended approval subject to the planning report*

Temporary Use Permits

- 8.30 TU 9-2-01, St. David Catholic Church Carnival, 3900 South University Drive
- 8.31 TU 9-3-01, Davie United Methodist Church Country Fair and Auction, and Pumpkin Patch, 6500 SW 47 Street
- 8.32 TU 9-4-01, Galaxy Entertainment Haunted House, 11850 State Road 84
- 8.33 TU 9-5-01, St. Bonaventure Catholic Church Arts and Crafts Show, 1301 SW 136 Avenue
- 8.34 TU 9-6-01, St. Bonaventure Catholic Church Family Festival, 1301 SW 136 Avenue

Mayor Venis advised that the petitioner of item 8.29 was requesting that the item be pulled. Councilmember Truex asked that items 8.3, 8.6, and 8.22 be removed from the Consent Agenda. Vice-Mayor Paul asked that item 8.29 be removed.

Councilmember Clark made a motion, seconded by Councilmember Starkey, to approve the Consent Agenda without items 8.3, 8.6, 8.22 and 8.29. In a voice vote, all voted in favor. (Motion carried 5-0)

8.3 Councilmember Truex advised that this was not a benign proclamation and had to do with world population control. He indicated that a number of individuals would find this objectionable. Councilmember Starkey indicated that this was not a Town issue and sent mixed messages.

Councilmember Truex made a motion, seconded by Councilmember Starkey, to not accept the proclamation. In a voice vote, all voted in favor. (Motion carried 5-0)

8.6 Councilmember Truex questioned the contracts for the remaining lobbyists. Mr. Willi responded that in light of the adoption of the budget and the possible revenue reductions; he had notified the lobbyists that the contracts would not be placed on an agenda but he wanted to return the Council's original plan to utilize the lobbyists on a case-by-case basis at Council's discretion. He felt that the Town needed to move forward with grant funding and the amount that would be spent on the lobbyist would be made back ten-fold.

Mayor Venis advised that Mr. Grande was currently working for the Town and had to be compensated. Mr. Willi advised that the contract had been reduced in scope strictly to the annexation issue and there was a payment option that needed to be selected.

Councilmember Truex stated that Mr. Grande's involvement with the Town was irregular but felt that Mr. Grande should be paid for the services he had completed. Councilmember Truex advised that he did not object to Option B if there was no legal impediment. He questioned if it was legal to hire someone who had not bid on the issue.

Councilmember Starkey stated that Mr. Grande did not meet the criteria of the selection committee and did not have the knowledge and background to be able to lobby the

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issues. She advised that she did not agree with the process and indicated that the Town already had retained a consultant for annexation issues. Councilmember Starkey felt that Council needed to be fiscally responsible and asked Mr. Kiar to prepare a legal definition on whether the Town could legally pay Mr. Grande since the original request for proposal cited the Rubin Group. She indicated that she did not think it was budgeted nor did she think it was possible.

Councilmember Clark believed that Mr. Grande was part of the bidding process. Mayor Venis indicated that the firms that were chosen were under the Rubin Group as a joint venture which he felt made a difference. He added that the decision that Mr. Willi made to hire Mr. Grande for the annexation issue was fine because the Town was competing for a prime area within the County. Mr. Kiar indicated that Council could approve the resolution subject to a favorable legal opinion.

Vice-Mayor Paul stated that there were a number of questions involved with the Town's current lobbyist in relationship to annexations. She advised that she had attended the annexation meetings and she was not under the impression that he was representing the Town as he was speaking for another community. Vice-Mayor Paul stated that Mr. Grande needed to be paid for services rendered and Council needed to allow Mr. Grande to move forward as he had built a rapport and a trust with the residents in United Ranches. She advised that she was in favor of Option B and she was in favor of placing a monetary cap. Vice-Mayor Paul indicated that she would also like to see the termination clause reduced from 60 days to 30 days.

Councilmember Truex asked for brief periodic reports on Mr. Grande's work if the contract was approved.

Mr. Willi advised that the July 18, 2001 in Option B was a scrivener's error and should be July 18, 2002.

Vice-Mayor Paul made a motion, seconded by Councilmember Clark, to approve item 8.6, with Option B, making the scrivener's correction for 2002 and changing the termination from 60 days to 30 days subject to Mr. Kiar's research. In a voice vote, with Councilmember Starkey dissenting, all voted in favor. (Motion carried 4-1)

8.22 Councilmember Truex advised that the third place firm was his brother's employer. Mr. Kiar questioned if the bid inured to Councilmember Truex's personal gain with Councilmember Truex responding that the gain was to his brother. Mr. Kiar indicated that it might be prudent to abstain.

Vice-Mayor Paul made a motion, seconded by Councilmember Starkey, to approve. In a voice vote, with Councilmember Truex abstaining, all voted in favor. (Motion carried 4-0)

8.29 Bill Laystrom, representing the petitioner, asked for a clarification on the staff report. He advised that in 1997, he had made a commitment to Council that there would be 30 feet between SW 148 Avenue and the first parking lot. Mr. Laystrom indicated that staff had interpreted this commitment differently which he explained. His position is that he has met his commitment and his interpretation as correct. Mr. Laystrom asked that Council agree with his commitment that the 30 feet was intended to be measured from the edge of SW 148 Avenue to the parking lot instead of the platted property line.

Vice-Mayor Paul made a motion, seconded by Councilmember Clark, to grant the appeal. In a voice vote, all voted in favor. (Motion carried 5-0)

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Vice-Mayor Paul made a motion, seconded by Councilmember Clark, to accept the site plan subject to the planning report and Mr. Laystrom's interpretation of the buffering requirements. In a voice vote, all voted in favor. (Motion carried 5-0)

9. PUBLIC COMMENTS

Ordinance - First Reading (Public Hearing to be held October 17, 2001)

- 9.1 AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA AMENDING ORDINANCE NO. 2001-35 TO PROVIDE THAT THE SIX MONTH MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR WIRELESS TELECOMMUNICATION TOWERS SHALL NOT APPLY TO APPLICATIONS RELATING TO THE PLACEMENT OF WIRELESS TELECOMMUNICATION ANTENNAS ON EXISTING WIRELESS TELECOMMUNICATION TOWERS; PROVIDING FOR EXCEPTIONS; SETTING FORTH EXPIRATION AND EFFECTIVE DATES.**

Mayor Venis advised that a public hearing would be held on October 17, 2001. Town Clerk Muniz read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance.

Lloyd Phillips, 14220 SW 29 Court, spoke against the ordinance and about the lack of ability for PCS to penetrate foliage and the importance of having a location for transmission that was higher in the air. He suggested that the Town put up towers and lease them which would provide an income to the Town.

Lynn Shatas, representing Florida Power and Light, spoke in favor of the amendment.

Mayor Venis closed the public hearing.

Councilmember Starkey asked if this ordinance would coexist with the landscape ordinance and if there were specific requirements for the type of tower for how many could exist on one. Programs Administrator Chris Kovanes indicated that the first step was informing the applicant of the landscape ordinance and its compliance requirements. He stated that usually a height of 130 feet would provide enough separation between antennas.

Vice-Mayor Paul asked about health concerns and felt that co-locations would increase that problem. Mr. Willi was not aware of any new information in this area.

Councilmember Starkey made a motion, seconded by Councilmember Clark, to approve to include that any co-locations would include the landscaping current to the Town's new ordinance on landscaping, to bring it up to the standard, and to be mindful of the number of co-locations per tower. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Paul - no; Councilmember Clark - yes; Councilmember Starkey - yes; Councilmember Truex - yes. (Motion carried 4-1)

10. PUBLIC HEARINGS

Mayor Venis opened public hearing portion of the agenda.

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Ordinance - Second and Final Reading

- 10.1 **REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA,**
2001-44 **CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE**
TOWN OF DAVIE FROM M-1, LIGHT INDUSTRIAL DISTRICT (HACIENDA
VILLAGE) TO M-2, MEDIUM INDUSTRIAL DISTRICT; AMENDING THE
TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR
SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 7-1-01,
Aguirre/Stone Harbor, Inc., 3201 West State Road 84)

Town Clerk Muniz read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance.

Margaret Croxin, representing Hacienda Village and Roscioli Yachts, thanked Council and staff for their consideration and making this possible.

Mayor Venis closed public hearing.

Councilmember Truex made a motion, seconded by Councilmember Clark, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Paul - out of room; Councilmember Clark - yes; Councilmember Starkey - yes; Councilmember Truex - yes. (Motion carried 4-0)

Quasi Judicial Items

- 10.2 **REZONING RECONSIDERATION - ZB 4-3-01, Laystrom/Zacco, 5011 State**
Road 7 (from M-2 to B-2) (tabled from September 19, 2001) *Planning and*
Zoning Division recommended approval; Planning and Zoning Board
recommended

Mayor Venis swore in the witnesses. Mark Kutney, Development Services Director, summarized the planning report.

Bill Laystrom, representing the petitioner, spoke about the traffic flow at the intersection and the economic impact if the first two buildings were commercial. He showed a rendering of the site and explained the rezoning requested for the first two of ten buildings, which would create a mixed use project. Mr. Laystrom felt this would spur redevelopment in this area.

Tom Hall, representing Miller Consulting, Inc., spoke about traffic patterns, a study that had been completed and the access routes. The proposed change in operation was explained, which would require a minor modification of the existing traffic signal. The Florida Department of Transportation agreed with this change, along with the proposed change in lanes.

Wilson Atkinson, representing Pelican Bay, questioned Mr. Hall on the operating levels. Mr. Atkinson showed a drawing and indicated that this was the same document used in 1999 when the site plan was approved. He asked about a 3-way stop and Mr. Hall felt that this would have potential to help. Mr. Atkinson asked if Mr. Hall had made an analysis as to whether or not the improvements would have an affect on drainage. Mr. Hall stated that he did not do drainage engineering.

Mr. Laystrom explained that in split phasing, the middle lane would have a chance to go out on its own green. He stated that Council would be part of the permitting process and drainage issues could be addressed, if necessary.

Lou Orosz, representing Grove Management Group, spoke about the summary distributed to Council which was marked as Exhibit A. He spoke about the site and

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indicated that this was the most ideal location for a convenience shopping center and about the Code outlining a convenience shopping center. Mr. Orosz felt that the site was not appropriate for industrial as this was a gateway to the Town. He explained the fiscal impact analysis and the input of the Economic Development Council, which needed to consider the large commercial industrial tax base necessary to protect the unique lifestyle of Davie. Mr. Orosz spoke about the uses that would be put into the site and added that compatibility between light industrial, commercial and retail was significant. He felt that this project would be an asset to the Town.

Mr. Atkinson cross-examined Mr. Orosz regarding the economic study, the economic value of the industrial and commercial building, and the definition of "retail use." Mr. Atkinson spoke against combining retail and light industrial uses.

Mr. Laystrom stated that even though traffic improvements discussed today were part of the original site plan approval and the prior zoning approval, Mr. Laystrom encouraged Council to make these part of a motion. He added that the number of restaurants would be restricted.

Councilmember Truex asked if the petitioner would restrict bars, lounges, pawn shops, pool rooms, and adult facilities. Discussion followed about dance halls and pool halls and what was included in these classifications. Mr. Atkinson spoke about an athletic gym or health club as it would impact parking and may get into cross easements. Shared parking was discussed and plans to calculate the parking necessary based on use. Mr. Laystrom suggested restricting square footage for each application. Mr. Atkinson asked if other uses such as nightclubs and bowling alleys would be restricted.

Mayor Venis asked if anyone wished to speak for or against the petition.

David Mancuda, representing Pelican Bay, indicated the history of these rezoning issues and pointed out that this request was rejected by Council based on the lack of compatibility with the land use plan. A motion for reconsideration was made at the subsequent meeting and Council moved forward with the vote. Mr. Mancuda objected to this motion as he felt this was contrary to Robert's Rules of Order.

Mr. Mancuda stated that there was no Jennings disclosure and the traffic study had come in late which provided insufficient time to review. He requested that the record connected with this, from the meeting where the previous discussion and decision took place, be made part of this record. Mr. Mancuda stated that the intent of B-2 was a neighborhood shopping district and felt that this project was not an appropriate or compatible use.

Mr. Kiar read from Robert's Rules regarding ex parte communication. Councilmember Clark spoke about the previous meeting and decision explaining that disclosure of whom was spoken to was not necessary since it was not quasi judicial at the time. Mr. Mancuda disagreed and felt that disclosure was required. Councilmember Starkey stated that she had made disclosures on the quasi judicial items coming before Council. During the motion for reconsideration, the disclosure was not necessary. Mr. Mancuda disagreed.

Councilmember Truex advised that he had spoken with Michele Mellgren, Mr. Atkinson, Mr. Zacco, Norm Blanco, and Mr. Laystrom. Councilmember Clark advised that she had spoken with Mr. Zacco, Mr. Laystrom and Mr. Palermo. Mayor Venis stated that he had spoken with Mr. Zacco, Mr. Laystrom, and Mr. Palermo and had viewed the video

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tapes. Councilmember Starkey indicated that she had spoken with Mr. Zacco, Mr. Laystrom, Ms. Mellgren and Mr. Blanco. Vice-Mayor Paul advised that she had spoken with Mr. Laystrom.

Mr. Atkinson spoke about the 1998 site plan application and the rezoning request, stating that they did not feel it was appropriate and did not comply with the Town's comprehensive plan. He stated that Council was being asked to take a property previously designated for industrial use, and mix it with retail. Mr. Atkinson stated that his client relied upon Council to maintain this plan, which would keep the traffic at Level D and added that his client did not want to address problems later. He spoke about what uses were precluded according to Mr. Laystrom's document. Mr. Atkinson spoke about the traffic concerns, which the County had acted upon, stating that the traffic from the nine acres had the ability to go to the intersection at 51st and 441 regardless of what was built on it. He asked that this application be denied.

Mr. Atkinson asked if Michelle Mellgren would concur with the testimony of the land planner. Michelle Mellgren did not concur and referred to the information previously presented to Council. Mr. Atkinson referred to the July 3rd meeting and what Ms. Mellgren believed was the failure of this application to concur with the Town's Comprehensive Plan. He asked if her testimony would be the same tonight. Ms. Mellgren agreed, stating that the foremost inconsistency was Policy 9-3 of the Future Land Use section of the adopted Comprehensive Plan. If a site was designated industrial, it should not be changed to allow other uses. She informed Council that she did not have any new information that had not already been presented.

Councilmember Clark asked if Ms. Mellgren had time to review the information regarding the financial impact of a land use change. Ms. Mellgren responded negatively and indicated that she did not fully understand the information presented tonight. Such an analysis was Townwide, usually and therefore, could not be accurate in a site by site basis.

Ms. Mellgren stated that the Code had many criteria by which a rezoning application was judged. She went over some of these criteria stating that there were a number of policies that did not comply with this rezoning.

Mr. Laystrom asked if this economic study was available to her over the past several years. Ms. Mellgren agreed and stated that it showed that industrial was more valuable than commercial. Mr. Laystrom referred to property that recently went from industrial to commercial with the addition of a Publix.

Councilmember Truex asked about the additional protections in the letter. Mr. Atkinson spoke about the agreements: a declaration of restrictions, which would restrict the uses in three or four specific areas. This failed to address that buildings #3 and #4 were restricted to mini-storage. Mr. Laystrom stated these would be restricted to mini-storage. Mr. Atkinson stated that it failed to restrict the area being commercially zoned to site plan uses. Parking in the zoned commercial area would be utilized for the commercial uses. The agreement also stated that the entire geographical area was forced to utilize the intersection at 51st and it would be good planning to have an alternative corridor. This could end in a special assessment to all property owners and Mr. Zacco agreed to be a part of this. A condition of zoning approval did not provide for completing the phase traffic situation, which he agreed was discussed tonight. Mr. Laystrom agreed that phasing would be put in. Mr. Atkinson stated that the landscaping and drainage needed to be addressed. The letter spoken about by Mr. Atkinson was submitted for the record.

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Mayor Venis closed public hearing.

Mr. Laystrom stated that the only restriction disputed was the need for flexibility with the buildings in the back, which would be warehouses. The only reason the other uses were not in, was because it had not been raised before.

Councilmember Truex made a motion, seconded by Vice-Mayor Paul, to approve subject to: the voluntary deed restrictions of no bars, lounges, restaurants or retail entertainment facility over 5,000 square feet, pawn shops, pool rooms, adult facilities, bowling alleys, movie theaters, or nightclubs; to the voluntary items in the letter introduced and read by Mr. Atkinson; to general site plan and site plan modifications, but not to exceed the square footage shown tonight, and subject to traffic phasing. Councilmember Truex added that the motion would read that Mr. Laystrom and his client would make the best effort to obtain the traffic phasing. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Paul - yes; Councilmember Clark - yes; Councilmember Starkey - yes; Councilmember Truex - yes. (Motion carried 5-0)

- 10.3 SPECIAL PERMIT - SE 6-2-01, FMC Telecommunications/Cassidy, 6045 SW 45 Street (B-2) (to allow erection of a single monopole/antenna for wireless telecommunications not to exceed 75 feet in height) Planning and Zoning Division recommended approval; Planning and Zoning Board recommended approval subject to the new antenna being used only for wireless Internet service and subject to all the conditions and representations of the initial special permit SE 3-1-99**

Mayor Venis swore in the witnesses. Mr. Kutney summarized the planning report.

Neil Kalis, representing the petitioner, agreed with staff report and explained the request. The permit would expire next August, which would give Council the opportunity to evaluate this at that time. Mr. Kalis spoke about the monopole construction, stating that it was for two-way internet communications, not a cellular tower, and would be temporary. When his client returned with site plan, he would like to install a flagpole monopole as part of a courtyard feature on the property.

Mayor Venis asked if anyone wished to speak for or against the petition.

Mr. Cassidy, President of FMC, explained how the tower would provide high speed wireless internet service, not cell phone use. The service would be able to be installed throughout the Town to allow the Police Department to have high speed internet in the car, instead of the cell phone access used now, which was slow. Residents and businesses would be provided the same high speed service. Mr. Cassidy spoke about where the fiber optics ran and spoke about disaster recovery, which this service would benefit.

Councilmember Truex asked if this monopole permit would expire in 2002. Vice-Mayor Paul asked if this request was for just one pole. Mr. Kalis agreed and advised that if the network would be built throughout the Town, several poles would eventually be needed.

Mayor Venis closed the public hearing.

Councilmember Clark made a motion, seconded by Councilmember Truex, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Paul - yes; Councilmember Clark - yes; Councilmember Starkey - yes; Councilmember Truex - yes. (Motion carried 5-0)

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- 10.4 **TEXT AMENDMENT - ZB(TXT) 4-1-01**, The Big Orange Development, Ltd. (to amend Code Section 12-205(A)(1)(a)(1), parking stalls and aisles, to reduce the size of a standard parking space from 10 feet by 18 feet to 9 feet by 18 feet) (tabled from September 6, 2001) *Planning and Zoning Division recommended denial; Local Planning Agency recommended denial*
Council withdrew this item earlier in the meeting.

Items to be tabled

- 10.5 **PETITIONER REQUESTING A TABLING TO NOVEMBER 7, 2001**
REZONING - ZB 4-5-01, Miller, Legg & Associates, Inc./Moersch, Fuselli and Amsouth Bank, Trustee of the Vincent Fuselli Trust, 4450 Flamingo Road (tabled from September 6, 2001)

This item was tabled earlier in the meeting.

- 10.6 **PETITIONER REQUESTING A TABLING TO NOVEMBER 7, 2001**
REZONING - ZB 4-6-01, Miller, Legg & Associates, Inc./Moersch, Fuselli and Amsouth Bank, Trustee of the Vincent Fuselli Trust, 4450 Flamingo Road (tabled from September 6, 2001)

This item was tabled earlier in the meeting.

- 10.7 **PETITIONER REQUESTING A TABLING TO NOVEMBER 7, 2001**
VARIANCE - V 4-3-01, Miller, Legg & Associates, Inc./Moersch, Fuselli and Amsouth Bank, Trustee of the Vincent Fuselli Trust, 4450 Flamingo Road (tabled from September 6, 2001)

This item was tabled earlier in the meeting.

11. APPOINTMENTS

- 11.1 Youth Advisory Board (one exclusive appointment - Mayor Venis and Councilmember Clark; terms expire April 2002)
Councilmember Clark deferred her appointment.

- 11.2 Davie Water and Environmental Advisory Board (one exclusive appointment - Councilmember Clark; term expires December 2001)
Councilmember Clark deferred her appointment.

- 11.3 Open Space Advisory Committee (one exclusive appointment - Vice-Mayor Paul; term expires July 2002)
Vice-Mayor Paul deferred her appointment.

- 11.4 Davie Agricultural Advisory Board (one exclusive appointment - Councilmember Clark; term expires February 2002)
Councilmember Clark deferred her appointment.

- 11.5 Site Plan Committee (one exclusive appointment - Vice-Mayor Paul; term expires June 2002)

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Vice-Mayor Paul advised that she was withdrawing from this Committee and appointed Julie Aitken. In a voice vote, all voted in favor. (Motion carried 5-0)

12. OLD BUSINESS

12.1 Pocket Parks - Councilmember Truex

Mr. Kovanes reported on the parks and stated that both parcels were still for sale. He advised that there was an offer for \$750,000 for one property, which was four acres and the other parcel was \$405,000 for two acres, which included a pond, house and barn.

Mr. Willi indicated that money was not available for the west purchase. There was \$250,000 available for the west side and nothing was left for the east side; however, there may be funds available in the Community Trust Account. Mayor Venis asked for a report on that at the next meeting.

Mr. Bernard advised that there was \$340,000 for the east side.

Councilmember Truex stated that both groups of residents needed to be considered, but a decision should be made. Councilmember Clark indicated that the number of children each park would service was different as the population was denser on the east side. Mr. Willi stated that this would be a long intensive project and suggested that Council prioritize projects at both sites. Mayor Venis stated that a plan to pay for these purchases be prepared for the next meeting.

Norm Blanco stated that this property had three retention areas, one being large enough to be a lake with a drainage pump on it, a trailer and a parking area. He advised that the owner was not hesitant to sell to the Town.

13. NEW BUSINESS

13.1 Permitting Outside Special Events - Councilmember Truex

This item was deferred.

13.2 60 Acre Property - Mayor Venis

Mr. Bernard stated that the County was asking about a 60 acre park on Orange Drive for a regional park that was proposed by Mr. Zimmerman. Mr. Willi explained how the bond money was split up and advised that the Town would lose their first choice for a property on the open space side if the regional park was purchased. The purchase price was \$12 million and the open space project was about \$2 million. If the Town concurred, option #1 would be lost but the Town would have an extra \$10 million worth of property purchased, and the Town would still have option #2. Mr. Willi advised that he had sent a letter stating that the Town was in support of this purchase pending Council's decision at this meeting.

Councilmember Starkey was concerned that the Town was under a lawsuit with Mr. Zimmerman and questioned what would happen to the lawsuit if the Town approved the purchase. She added that the County would make its decision regardless of whether or not the Town endorsed it. Mr. Kiar stated that if Mr. Zimmerman entered into agreement with the County, it would void the lawsuit.

Councilmember Clark asked what this would do to the Town if 60 acres was taken off the tax roll and lost to commercial or other development. Vice-Mayor Paul was concerned that an economic report was put together so quickly when she had asked for this for two years. She felt this would be a good addition and objected to a massive commercial area,

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pointing out that it was still agriculturally zoned. Mr. Willi stated that if this parcel was purchased, the Town was not bound to maintain this property. The ways in which this 60 acre park would benefit the Town were discussed.

Mayor Venis was in favor of the purchase and felt this was a key parcel. He added that the purchase would compliment the western area and the Town's intentions for that area. Councilmember Starkey spoke about the bridge needed for pedestrian and equestrian traffic.

Councilmember Truex asked about the first and second sites. Dennis Mele described how it would impact points for Commission District 5 and explained that this was based on his view of how these sites would be scored. He described points for each site and the locations. Mr. Willi stated that in this point system, points would be deducted for proximity to parks and other recreational areas including trails. Town properties would score lower than other municipalities.

Mike Bender, 14800 SW 31 Court, spoke in favor of this purchase and felt this was a unique opportunity for the Town. He stated that loss of property values would occur with commercial development and spoke about traffic concerns if this were developed.

Michael Williams, 13342 SW 40 Street, spoke in favor and outlined Mr. Zimmerman's plans for this parcel if he were allowed to develop it commercially. Mr. Williams stated that the plan showed 600,000 square feet of commercial development. He felt this was a great opportunity for the Town to speak to the County, not a guarantee of what would happen. Mr. Williams asked the Council to present a united front on this issue and added that he represented the residents of Imagination Farms.

Councilmember Clark felt this was a win-win situation for those residents in that area and for Mr. Zimmerman, but not necessarily for the Town as a whole. It would take away from the Town's tax base and would affect the entire Town. The future of the Town and the impact on how taxes would be continually raised was at stake.

Councilmember Truex asked Mr. Willi if the County would develop the property similar to CB Smith or Tree Tops. Mr. Willi indicated that it would be developed like Tree Tops.

Mr. Kiar questioned if Mr. Zimmerman would be directed to drop the lawsuit if Council recommended this purchase. All agreed that a release would be requested.

Councilmember Truex did not feel property values would go down if this parcel was developed and felt it would be wrong to take such a large tract off the tax rolls. Vice-Mayor Paul stated that there was a long process ahead of them and this was an opportunity that the Town should not overlook. A commercial property required Town services and the increased traffic often increased crime. She felt this should be given a chance. Mayor Venis agreed with Vice-Mayor Paul and felt it should be given an effort, to see if the County would go for this. Mayor Venis stated that it would make Vista View Park more functional and felt it would help maintain the values of property Townwide.

Councilmember Starkey stated that taxpayers needed to understand that their taxes would increase soon. Mayor Venis did not feel that taxes would increase. Vice-Mayor Paul stated that opportunities were available through annexations and property that would be developed along University, as well as other areas.

Vice-Mayor Paul made a motion, seconded by Councilmember Starkey, to approve moving forward with having the County acquire the 60 acre property with the caveat that the Town would be seeking a release of any liability from Mr. Zimmerman in relationship

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to the lawsuit. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Paul - yes; Councilmember Clark - no; Councilmember Starkey - yes; Councilmember Truex - no. (Motion carried 3-2)

- 13.3 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING SUPPLEMENTAL SALARY AND BENEFITS COMPENSATION FOR EMPLOYEES CALLED TO ACTIVE UNITED STATES MILITARY DUTY FROM RESERVE STATUS IN ORDER TO COMPENSATE SAID EMPLOYEES FOR THE DIFFERENTIAL BETWEEN MILITARY SALARY AND BENEFITS, AND TOWN OF DAVIE SALARY AND BENEFITS.**

Town Clerk Muniz read the resolution.

Vice-Mayor Paul made a motion, seconded by Councilmember Clark, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

- 13.4 Domestic Violence Awareness Month (October 2001)**

Councilmember Clark made a motion, seconded by Vice-Mayor Paul, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

- 13.5 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING A REVISION TO THE RESTRICTIVE NOTE OF THE "NOVA UNIVERSITY NO. 1 PLAT" (146-49), AND PROVIDING AN EFFECTIVE DATE.**

Town Clerk Muniz read this resolution.

Councilmember Starkey made a motion, seconded by Councilmember Clark, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

Discussion followed regarding how the recommendation for the 60 acre site would read and Councilmember Starkey stated that she needed to fax to County Commissioner Lori Parrish these recommendations to have it for tomorrow's meeting. This should be done in two parts. Mr. Mele explained the order of the recommendations for the sites.

14. ADJOURNMENT

There being no objections or further business, the meeting was adjourned at 1:41 a.m.

APPROVED _____

Mayor/Councilmember

Town Clerk